# IN THE DISTRICT COURT OF GUAM TERRITORY OF GUAM MAGISTRATE CRIMINAL MINUTES

**BENCH TRIAL** 

DISTRICT COURT OF GUAM

JUN 22 2005

MARY L.M. MORAN CLERK OF COURT DATE: 06/22/2005 CASE NO. MG-05-00007 Law Clerk: Judith Hattori HON. JOAQUIN V.E. MANIBUSAN, JR., Magistrate Judge Courtroom Deputy: Virginia T. Kilgore Court Reporter: Wanda Miles Hearing Electronically Recorded: 9:31:59 - 9:38:02 CSO: B. Pereda / J. Lizama 9:42:30 - 10:16:46; 10:37:31 - 11:06:31 Closing: 11:22:13 - 12:01:57; 1:29:29 - 2:33:14 DEFT: HAROLD J. CRUZ ATTY: KIM SAVO (X) PRESENT () RETAINED (X) FPD () CJA APPOINTED (X) PRESENT () CUSTODY (X) BOND () P.R. **DEFT: ERNEST Q. MUNA** ATTY: MARK SMITH (X)PRESENT ()CUSTODY (X)BOND ()P.R. (X) PRESENT () RETAINED () FPD (X) CJA APPOINTED U.S. ATTORNEY: JOSEPH TOCK **AGENT: JUSTIN OLIVER, CO-COUNSEL U.S. PROBATION:** U.S. MARSHAL: DAY NO. 2 OF TRIAL ( ) JURY TRIAL (X) COURT TRIAL ( ) JURY EMPANELED AND SWORN ( ) OPENING STATEMENT BY THE Plaintiff Defense (X) EXHIBITS MARKED AND ADMITTED (X) WITNESSES SWORN AND EXAMINED SEE ATTACHED EXHIBIT AND WITNESS LIST, AO FORM 187 (and 187A, when applicable) (X) CLOSING ARGUMENT BY THE X Plaintiff (Mr. Tock) (X) CLOSING ARGUMENTS BY THE X Defense ) TRIAL CONTINUED TO: ) JURY CHARGED BY COURT ) JURY DELIBERATE AT ( ) JURY RETURNS VERDICT AT: ) JURY VERDICT: ( ) JURY POLLED ( ) POLLING WAIVED ( ) JURY DISCHARGED ) COURT FINDINGS: ( ) OTHER MATTER(s): NOTES: Mr. Smith called Defendant Ernest Q. Muna as a witness. The Court advised Mr. Muna that he may invoke his Fifth Amendment right against self-incrimination. Court will issue a written ruling.

COURTROOM DEPUTY:

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## UNITED STATES DISTRICT COURT

DISTRICT OF	GUAM	
DIDITACIOI	GUAM	

#### UNITED STATES OF AMERICA

### **EXHIBIT AND WITNESS LIST**

Case Number: MG-05-00007

### V. HAROLD J. CRUZ ND ERNEST Q. MUNA

PRESIDING JUDGE PLAINTIFF'S ATTORNEY DEFENDANT'S ATTORNEY JOAQUIN V.E. MANIBUSAN, JR. JOSEPH TOCK / JUSTIN OLIVER KIM SAVO / MARK SMITH COURTROOM DEPUTY HEARING DATE (S) COURT REPORTER JUNE 22, 2005 WANDA MILES VIRGINIA T. KILGORE DATE DESCRIPTION OF EXHIBITS\* AND WITNESSES IDENTIFIED NO. OFFERED ADMITTED Mr. Smith calls Mr. Ernest Q. Muna as a witness (9:35:32) 29 6/22/05 | 6/22/05 | 6/21/05 Map of Northwest Field showing Points Side Bar (9:38:02 - 9:42:22) 4 6/22/05 6/22/05 6/22/05 | Cocunut trap 1 5 6/22/05 6/22/05 6/22/05 | Coconut trap 2 6/22/05 Coconut Crab contained in bucket 6 6/22/05 6/22/05 Exhibits 4, 5 and 6 Admitted. 6/22/05 | 6/22/05 | 6/21/05 | Map of Northwest Field showing Points 29 14 6/22/05 6/22/05 6/21/05 Photograph Rt 3a- w/outcropping on left and sign holder by truck 28 6/22/05 | 6/22/05 | 6/21/05 | Map of Northwest Field showing Route 3 and 3A 29 6/22/05 6/22/05 6/21/05 | Map of Northwest Field showing Points 23 6/22/05 6/22/05 6/21/05 Muna's Black flashlight 6/22/05 6/22/05 6/21/05 Muna's 12 Gauge Shotgun - Shown to the witness 24 14 6/22/05 6/22/05 6/21/05 | Photograph Rt 3a- w/outcropping on left and sign holder by truck 6/21/05 | Photograph Rt 3 - Gov Property sign close-up 6/22/05 | 6/22/05 1 12 6/22/05 6/22/05 6/21/05 | Photograph Rt 3a-w/Property sign on road past wildlife refuge End of DX Cx by Ms. Savo (10:03:56) End of Cx (10:05:09) Cx by Mr. Tock (10:05:11) 4 6/21/05 Photograph Rt 3-3a intersection- w/Gov Property sign 6/22/05 3 6/22/05 6/22/05 6/21/05 | Photograph Rt 3 - w/Gov Property Sign Rt. 13 6/22/05 | 6/22/05 | 6/21/05 | Photograph Rt 3a- w/Gov Property sign past wildlife refuge 6/2/105 | Photograph Rt 3a - w/Gov Property sign on left side of road 6/22/05 | 6/22/05 29 6/22/05 | 6/22/05 6/21/05 | Map of Northwest Field showing Points Witness excused (10:15:48) Defense Rests Stipulation by parties that there was not a full moon on the night in question.

Defense counsel for Mr. Cruz Rests

PRESIDING JUDGE JOAQUIN V.E. MANIBUSAN, JR.				NIBUSAI	N, JR.	PLAINTIFF'S ATTORNEY JOSEPH TOCK / JUSTIN OLIVER	DEFENDANT'S ATTORNEY KIM SAVO / MARK SMITH			
HEARING DATE (S)						COURT REPORTER	COURTROOM DEPUTY			
			JUNE 22,	2005		WANDA MILES	VIRGINIA T. KILGORE			
JOINT NO.	PLTF NO.	DEF. NO.	DATE OFFERED	DATE IDENTIFIED	DATE ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES				
NO.	NO.	NO.	OFFERED	IDENTIFIED	ADMITTED	Mr. Tock stated offered two rebutta	Mr. Tock stated offered two rebuttal witnesses. Officer Aguon and Officer			
						Camacho.				
						Defense counsel Savo requested for an offer of proof.				
						Mr. Tock and Mr. Oliver argued their position.				
						Mr. Tock proposed a stipulation as to the location of the deer and				
						continuing to the blue box on Government's Exhibit No. 30 and along 3A,				
						30 yards on each side of the road, traveling to the area where the spotlights				
						were sited and that there was no blue bag, tape or evidence of crab traps.				
						Ms. Savo and Mr. Smith stipulated with the exception of the crab traps.				
						Mr. Tock calls Officer Mark J.D.	Aguon as a rebuttal witness			
						(10:55:03)				
	28		6/22/05	6/22/05	6/21/05	Map of Northwest Field showing Ro	oute 3 and 3A			
						End of Dx				
						Cx by Mr. Smith (10:59:55)				
						End of Cx				
						Witness Excused (11:02:50)				
							. Camacho as a witness (11:03:00)			
						End of Dx				
						Witness Excused	05.53)			
						Government Rests on Rebuttal (11:	:03:33)			
						11:06:31 (15 minute break)				
						Closing by Mr. Tock (11:22:18)w Closing by Ms Savo (1:29:44)				
						Closing by Mr. Smith (2:00:13)				
						Rebuttal Closing by Mr. Tock (2:10:03)				
						Court to issue a written ruling (2:33:14)				
-		-				Court to issue a written runing (2.55.17)				
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